

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
01/31/2001

01/29/2001

CLERK OF THE COURT
FORM R109D

JUDGE PRO TEM WM. DAVID ANDERSON

T. Nestor-Donohue
Deputy

CR 2000-093732

FILED: _____

STATE OF ARIZONA

LAWRENCE M CUTLER

v.

CHRISTIAN ARTHUR KERNS
DOB: 06/11/80

RAYMOND VACA JR

APO-SENTENCINGS-SE
APPEALS-SE
DISPOSITION CLERK-SE
FINANCIAL SERVICES-CCC

SENTENCE - SUMMARY PROBATION

2:06 p.m. State is represented by the above-named Deputy County Attorney. Defendant is present and represented by the above-named Deputy Public Defender.

Court Reporter, Jill Hastey, is present.

The Defendant is advised of the charge, the determination of guilt and is given the opportunity to speak.

Based upon the information provided, the Court finds that probation is mandatory pursuant to A.R.S. Section 13-901.01(F) due to the fact that this is the Defendant's 2nd drug conviction. The Court further finds probation to be appropriate due to the nature of this offense and the Defendant's need for supervision.

Pursuant to A.R.S. Section 13-607,

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THE COURT FINDS AS FOLLOWS:

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived his/her right to a trial with or without a jury, his/her right to confront and cross examine witnesses, his/her right to testify or remain silent and his/her right to present evidence and call his/her own witnesses after having been advised of these rights. The determination of guilt was based upon a plea of Guilty.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the crimes of:

OFFENSE: Count I: (Amended) Possession of Marijuana, a class One (1) Misdemeanor, nondangerous and nonrepetitive offense in violation of A.R.S. Sections 13-3401, 3405, 3418, 707, 802 and 901.01(F) committed on March 15, 2000.

Upon consideration of the offense, and the facts, law and circumstances involved in this case,

As punishment for this crime(s),

IT IS ORDERED suspending imposition of sentence for a period of Twenty-four (24) Months from this date and placing the Defendant on summary probation under the supervision of this Court on those terms and regulations as stated in open court.

FINE: IT IS ORDERED that the Defendant shall pay a fine to the Clerk of the Superior Court of Maricopa County in the amount of \$750.00, and all applicable surcharges are waived.

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Payment is to be made in regular monthly payments of \$50.00 commencing March 1, 2001 and on the same day of each month thereafter until paid in full.

Pursuant to A.R.S. Section 12-116, Defendant shall pay a fee of \$20.00 to the Clerk of the Superior Court of Maricopa County. Should Defendant pay all penalties, fines and/or sanctions in full this date, said fee is not applicable.

IT IS ORDERED that the Defendant pay a monthly probation service fee to the Clerk of the Superior Court of Maricopa County at a rate of \$20.00 commencing on March 1, 2001 and due on the same day each month thereafter during the term of probation.

SPECIAL CONDITIONS: The Defendant is required to complete 50 hours of Community Service work beginning March 1, 2001 at a minimum of 10 hours per month.

IT IS FURTHER ORDERED exonerating any bond previously posted in this matter.

ISSUED: Order Exonerating Bond.

IT IS ORDERED granting the Motion to Dismiss Count II.

The written terms and conditions of probation are handed to the Defendant for explanation, acceptance and signature. The Defendant agrees to the stated waiver of extradition. The Defendant is advised concerning the consequences of failure to abide the conditions of probation.

The Defendant is advised concerning rights of review after conviction and written notice of those rights is provided.

FILED: Conditions of Summary Probation and Notice of Rights of Review After Conviction.

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Let the record reflect that the Defendant's thumbprint is permanently affixed to this sentencing order in open court.

2:11 p.m. Matter concludes.

/s/ JUDGE PRO TEM WM. DAVID ANDERSON
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)